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Board of Vocational Nursing  
and Psychiatric Technicians

**BEFORE THE  
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2006-1518

**KATHRYN SANEM JIMERSON**  
1575 Jasmine Circle  
Oakley, CA 94561

**ACCUSATION**

Vocational Nurse License No. VN 72215

Respondent.

Complainant alleges:

**PARTIES**

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about May 26, 1976, the Board of Vocational Nursing and Psychiatric Technicians issued Vocational Nurse License Number VN 72215 to Kathryn Sanem Jimerson (Respondent). The Vocational Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2010, unless renewed.

**JURISDICTION**

3. This Accusation is brought before the Board of Vocational Nursing and Psychiatric Technicians (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise

1 indicated.

2           4.     Section 2875 of the Business and Professions Code (Code) provides, in  
3 pertinent part, that the Board may discipline the holder of a vocational nurse license for any  
4 reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice  
5 Act.

6           5.     Section 118(b) of the Code provides, in pertinent part, that the expiration  
7 of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action  
8 during the period within which the license may be renewed, restored, reissued or reinstated.  
9 Under section 2892.1 of the Code, the Board may renew an expired license at any time within  
10 four years after the expiration.

### 11                               STATUTORY PROVISIONS

12           6.     Section 119 of the Code states, in pertinent part:

13                 Any person who does any of the following is guilty of a misdemeanor:

14                 (a) Displays or causes or permits to be displayed or has in his or her possession  
15 either of the following:

16                     (1) A canceled, revoked, suspended, or fraudulently altered license.

17                     (2) A fictitious license or any document simulating a license or purporting to be or  
18 have been issued as a license.

19                 (b) Lends his or her license to any other person or knowingly permits the use  
20 thereof by another.

21                 (c) Displays or represents any license not issued to him or her as being his or her  
22 license.

23                     ...

24                 (f) Photographs, photostats, duplicates, manufactures, or in any way reproduces  
25 any license or facsimile thereof in a manner that it could be mistaken for a valid license, or  
26 displays or has in his or her possession any such photograph, photostat, duplicate, reproduction,  
27 or facsimile unless authorized by this code.

28                 (g) Buys or receives a fraudulent, forged, or counterfeited license knowing that it

1 is fraudulent, forged, or counterfeited. For purposes of this subdivision, "fraudulent" means  
2 containing any misrepresentation of fact.

3 As used in this section, "license" includes "certificate," "permit," "authority," and  
4 "registration" or any other indicia giving authorization to engage in a business or profession  
5 regulated by this code or referred to in Section 1000 or 3600.

6 7. Section 2795 of the Code states:

7 Except as provided in this chapter, it is unlawful for any person to do any of the  
8 following:

9 (a) To practice or to offer to practice [registered nursing] in this state unless the  
10 person holds a license in an active status.

11 (b) To use any title, sign, card, or device to indicate that he or she is qualified to  
12 practice or is practicing [registered nursing], unless the person has been duly licensed or certified  
13 under this chapter.

14 8. Section 2796 of the Code states:

15 It is unlawful for any person or persons not licensed or certified as provided in this  
16 chapter to use the title "registered nurse," the letters "R.N.," or the words "graduate nurse,"  
17 "trained nurse," or "nurse anesthetist."

18 It is unlawful for any person or persons not licensed or certified as provided in this  
19 chapter to impersonate a professional nurse or pretend to be licensed to practice professional  
20 nursing as provided in this chapter.

21 9. Section 2878 of the Code states, in pertinent part:

22 The Board may suspend or revoke a license issued under this chapter [the  
23 Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

24 (a) Unprofessional conduct, which includes, but is not limited to, the following:

25 (1) Incompetence, or gross negligence in carrying out usual nursing functions.

26 ...

27 (d) Violating or attempting to violate, directly or indirectly, or assisting in or  
28 abetting the violating of, or conspiring to violate any provision or term of this chapter.

1  
2 (f) Conviction of a crime substantially related to the qualifications, functions, and  
3 duties of a licensed vocational nurse, in which event the record of the conviction shall be  
4 conclusive evidence of the conviction.

5  
6 (h) Impersonating another practitioner, misrepresenting professional credentials  
7 or licensure status, or permitting another person to use his or her certificate or license.

8  
9 (j) The commission of any act involving dishonesty, when that action is related to  
10 the duties and functions of the licensee.

11 10. Section 2878.5 of the Code states, in pertinent part:

12 In addition to other acts constituting unprofessional conduct within the meaning  
13 of this chapter [the Vocational Nursing Practice Act] it is unprofessional conduct for a person  
14 licensed under this chapter to do any of the following:

15 (a) Obtain or possess in violation of law, or prescribe, or except as directed by a  
16 licensed physician and surgeon, dentist or podiatrist administer to himself or herself or furnish or  
17 administer to another, any controlled substance as defined in Division 10 of the Health and  
18 Safety Code, or any dangerous drug as defined in Section 4022.

19 (b) Use any controlled substance as defined in Division 10 of the Health and  
20 Safety Code, or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an  
21 extent or in a manner dangerous or injurious to himself or herself, any other person, or the public,  
22 or to the extent that the use impairs his or her ability to conduct with safety to the public the  
23 practice authorized by his or her license.

24  
25 11. California Code of Regulations, title 16, section 2518.6, states:

26 (a) A licensed vocational nurse shall safeguard patients'/clients' health and safety  
27 by actions that include but are not limited to the following:

28 (1) Reporting to the Board acts specified in Sections 2878 and 2878.5 of the

1 Business and Professions Code;

2 (2) Documenting patient/client care in accordance with standards of the  
3 profession; and

4 (3) Performing services in accordance with Section 125.6 of the Business and  
5 Professions Code.

6 (b) A licensed vocational nurse shall adhere to standards of the profession and  
7 shall incorporate ethical and behavioral standards of professional practice which include but are  
8 not limited to the following:

9 (1) Maintaining current knowledge and skills for safe and competent practice;

10 (2) Maintaining patient/client confidentiality;

11 (3) Maintaining professional boundaries with the patient/client;

12 (4) Abstaining from chemical/substance abuse; and

13 (5) Cooperating with the Board during investigations as required by Section

14 2878.1 of the Business and Professions Code.

15 (c) A violation of this section constitutes unprofessional conduct for purposes of  
16 initiating disciplinary action.

17 12. California Code of Regulations, title 16, section 2521, states:

18 For the purposes of denial, suspension, or revocation of a license pursuant to  
19 Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or  
20 act shall be considered to be substantially related to the qualifications, functions or duties of a  
21 licensed vocational nurse if to a substantial degree it evidences present or potential unfitness of a  
22 licensed vocational nurse to perform the functions authorized by his license in a manner  
23 consistent with the public health, safety, or welfare. Such crimes or acts shall include but not be  
24 limited to those involving the following:

25 (a) Procuring a license by fraud, misrepresentation, or mistake.

26 (b) A conviction of practicing medicine without a license in violation of Chapter 5  
27 of Division 2 of the Business and Professions Code.

28 (c) Violating or attempting to violate, directly or indirectly, or assisting in or

1 abetting the violation of, or conspiring to violate any provision or term of Chapter 6.5, Division 2  
2 of the Business and Professions Code.

3 (d) Aiding or assisting, or agreeing to aid or assist any person or persons, whether  
4 a licensed physician or not, in the performance of or arranging for a violation of any of the  
5 provisions of Article 13, Chapter 5, Division 2 of the Business and Professions Code.

6 (e) Conviction of a crime involving fiscal dishonesty.

7 (f) Any crime or act involving the sale, gift, administration, or furnishing of  
8 "narcotics or dangerous drugs or dangerous devices" as defined in Section 4022 of the Business  
9 and Professions Code.

### 10 **DANGEROUS DRUGS/ CONTROLLED SUBSTANCES**

11 13. Section 4021 of the Code states:

12 "Controlled substance" means any substance listed in Chapter 2 (commencing  
13 with Section 11053) of Division 10 of the Health and Safety Code."

14 14. Section 4022 of the Code states:

15 "Dangerous drug" or "dangerous device" means any drug or device unsafe for  
16 self-use, except veterinary drugs that are labeled as such, and includes the following:

17 "(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing  
18 without prescription," "Rx only," or words of similar import.

19 "(b) Any device that bears the statement: "Caution: federal law restricts this  
20 device to sale by or on the order of a \_\_\_\_\_," "Rx only," or words of similar import, the  
21 blank to be filled in with the designation of the practitioner licensed to use or order use of the  
22 device.

23 "(c) Any other drug or device that by federal or state law can be lawfully  
24 dispensed only on prescription or furnished pursuant to Section 4006."

25 15. Section 4060 of the Code provides, in pertinent part, that no person shall  
26 possess any controlled substance, except that furnished upon a valid prescription/drug order.

27 16. California Health and Safety Code section 11170 provides that no person  
28 shall prescribe, administer, or furnish a controlled substance for himself or herself.

1                   17.     **Codeine** is a Schedule II controlled substance as designated by Health and  
2 Safety code section 11055(b)(1)(H) and a dangerous drug per Business and Professions Code  
3 section 4022.

4                   18.     **Lorazepam** is the generic name for **Ativan**, a Schedule IV controlled  
5 substance as listed in Health and Safety Code section 11057 (d)(16) and is a dangerous drug per  
6 Business and Professions Code section 4022.

#### 7                                   **COSTS**

8                   19.     Section **125.3** of the Code provides, in pertinent part, that the Board may  
9 request the administrative law judge to direct a licensee found to have committed a violation or  
10 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
11 and enforcement of the case.

#### 12                                   **FIRST CAUSE FOR DISCIPLINE**

13                               (Unlawful Possession and Administration of Controlled Substances)

14                   20.     Respondent is subject to disciplinary action under Code sections 2878,  
15 subsection (a), and 2878.5, subsection (a), in that she obtained and possessed in violation of law  
16 and administered to herself and to another any controlled substance as defined in Division 10 of  
17 the Health and Safety Code, or any dangerous drug as defined in Section 4022. The  
18 circumstances are as follows:

19                   21.     While employed as a nurse at John Muir Outpatient Center (hereinafter  
20 JMOC) in Brentwood, California, respondent unlawfully obtained controlled substances as  
21 follows:

22                       a.     On or about August, 1999, Respondent admitted to having taken codeine  
23 tablets from the facility. Respondent stated that she had provided the medication to her husband.

24                       b.     On or about February, 2006, Respondent admitted that she had been  
25 forging physician signatures on JMOC prescription forms to obtain narcotics for her own use.

#### 26                                   **SECOND CAUSE FOR DISCIPLINE**

27                               (Dangerous Use of Drugs/Alcohol)

28                   22.     Respondent is subject to disciplinary action under section Code 2878.5,

1 subsection (b), and under California Code of Regulations, title 16, section 2518.6, in that she  
2 used controlled substances/dangerous drugs to an extent or in a manner dangerous or injurious to  
3 himself or herself, any other person, or the public, or to the extent that the use impairs her ability  
4 to conduct with safety to the public the practice authorized by his or her license. The  
5 circumstances are as follows:

6 23. On or about February 2006, Respondent admitted that she was addicted to  
7 controlled substances.

8 24. On or about October 12, 2006, while providing home nursing care for a  
9 medically fragile patient, Respondent was found to be under the influence of alcohol and/or  
10 controlled substances.

### 11 **THIRD CAUSE FOR DISCIPLINE**

12 (False Representations regarding License Status)

13 25. Respondent is subject to disciplinary action under Code section 2878,  
14 subsections (d), (h) and (j), in that she misrepresented her professional credentials and licensure  
15 status. The circumstances are as follows:

16 26. Respondent was employed as a registered nurse at JMOC from on or about  
17 1998 until 2006. During this time, Respondent posed as a licensed registered nurse. Respondent  
18 was not, in fact, licensed as a registered nurse.

19 27. In furtherance of her employment at JMOC, Respondent presented to  
20 JMOC a false/forged card which purported to be a pocket license card issued by the Board of  
21 Registered Nursing.

### 22 **FOURTH CAUSE FOR DISCIPLINE**

23 (Criminal Conviction)

24 28. Respondent is subject to disciplinary action under Code section 2878,  
25 subsection (f), in that she was convicted of a crime substantially related to the qualifications,  
26 functions and duties of a licensed vocational nurse. The circumstances are as follows:

27 29. On or about November 23, 1992, in Contra Costa Superior Court case  
28 number 90130-6, Respondent was convicted of having violated Business and Professions Code

1 section 2796 (impersonation of registered nurse).

2 **FIFTH CAUSE FOR DISCIPLINE**

3 (False Statement to Investigator)

4 30. Respondent is subject to disciplinary action under Code section 2878,  
5 subsection (j), in that she committed an act of dishonesty. The circumstances are as follows:

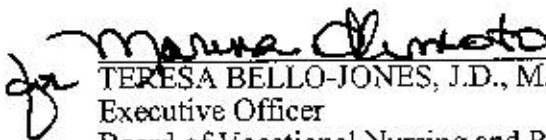
6 31. On or about March 7, 2008, Respondent falsely stated to Marci Coronado,  
7 an investigator employed by the Division of Investigation, California Department of Consumer  
8 Affairs, that Respondent had never been convicted of any crime. In truth, Respondent has been  
9 convicted of a crime, as set forth above in paragraph 29.

10 **PRAYER**

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
12 alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric  
13 Technicians issue a decision:

- 14 1. Revoking or suspending Vocational Nurse License Number VN 72215,  
15 issued to Kathryn Sanem Jimerson;
- 16 2. Ordering Kathryn Sanem Jimerson to pay the Board of Vocational Nursing  
17 and Psychiatric Technicians the reasonable costs of the investigation and enforcement of this  
18 case, pursuant to Business and Professions Code section 125.3;
- 19 3. Taking such other and further action as deemed necessary and proper.
- 20

21 DATED: February 24, 2009

22  
23   
24 TERESA BELLO-JONES, J.D., M.S.N., R.N.  
25 Executive Officer  
26 Board of Vocational Nursing and Psychiatric Technicians  
27 Department of Consumer Affairs  
28 State of California  
Complainant